



02-10-06  
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22WJAC

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/678,556
Filing Date	October 3, 2003
First Named Inventor	Binith Ratilal Shah
Art Unit	3728
Examiner Name	Jila M. Mohandes
Attorney Docket Number	56169539-6

### ENCLOSURES (Check all that apply)

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify<br>below): |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### Remarks

This correspondence is being sent via Express Mail to the U.S. Patent & Trademark Office on February 9, 2006.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Baker & McKenzie LLP		
Signature			
Printed name	James David Jacobs		
Date	February 9, 2006	Reg. No.	24,299

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name James David Jacobs

Date February 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



56169539-6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Binith Ratilal Shah  
Application No.: 10/678,556  
U.S. Filing Date: October 3, 2003  
Title: SYSTEM AND METHOD FOR CREATING A CUSTOM ARTICLE  
Group Art Unit: 3728  
Examiner: Jila M. Mohandesi

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO COMMISSIONER UNDER 35 U.S.C. § 1.183**

Sir:

The undersigned attorneys hereby petition that the undersigned attorneys' petition to withdraw as attorney, which was not approved, be granted under CFR § 1.183, or in the alternative that the outstanding office action be withdrawn and reissued, and then the undersigned attorney's Request for Withdrawal be granted.

The facts of the case are as follows:

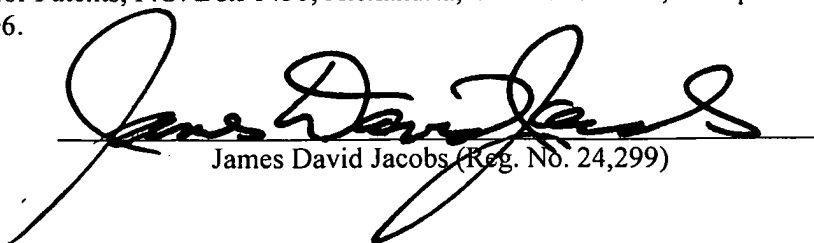
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02/13/2006 HVUONG1 00000004 020393 10678556

01 FC:1462 400.00 DA

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being sent via Express Mail (Label # EQ 497905816 US) to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Group Art Unit 3728 on February 9, 2006.

  
James David Jacobs (Reg. No. 24,299)

NYCDMS/985107.1

1. On April 27, 2005, the representatives of SODO Design Limited, Alderson Dodds, sent the undersigned a copy of the assignment of rights to the above patent application from Rickard Shah to SODO Design Limited and instructed the undersigned attorneys to forward all papers relating to the above noted patent application to their agent. (Exhibit A)

2. On June 6, 2005, the applicant advised us that all applicant's patents have been assigned to SODO Design Limited, and that all patent paperwork related to any applicant's patents be forwarded to SODO Design Limited. (Exhibit B)

3. On August 9, 2005 an office action was issued and mailed from the USPTO and received by the undersigned attorney on August 12, 2005. (Exhibit C)

4. On August 24, 2005 a copy of the aforementioned office action was sent to the applicant. (Exhibit D)

5. On August 26, 2005, a Request for Withdrawal as Attorney or Agent and Change of Correspondence Address was submitted to the USPTO. (Exhibit E)

6. On August 26, 2005, a copy of the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address was sent to the applicant. (Exhibit F)

7. On January 13, 2006 the Office of Petitions issued a decision on the request to withdraw as attorney. The decision, almost 5 months after the undersigned attorneys filed in the USPTO the Request for Withdrawal, denied the Request because the decision was rendered less than 30 days before the expiration date of the time to file a response. (Exhibit G)

8. On January 26, 2006, the undersigned attorney's office contacted the Office of Petitions and Irvin Dingle informed us that the Office of Petitions had just received the paperwork which was transferred from the Technology Center.

Although the undersigned attorney timely requested to withdraw as attorneys, because of Patent Office error in unduly delaying consideration of the Request, the Patent Office denied the Request. In order for the application to not go abandoned, the undersigned attorney, on behalf of the applicant, must respond to the office action dated August 9, 2005. However, the undersigned attorney cannot respond, as the applicant is no longer a client of the undersigned attorney and accordingly has not given instructions to the undersigned attorney. The undersigned attorney has no authority to respond to the Office Action and, indeed, legally and ethically cannot do so.

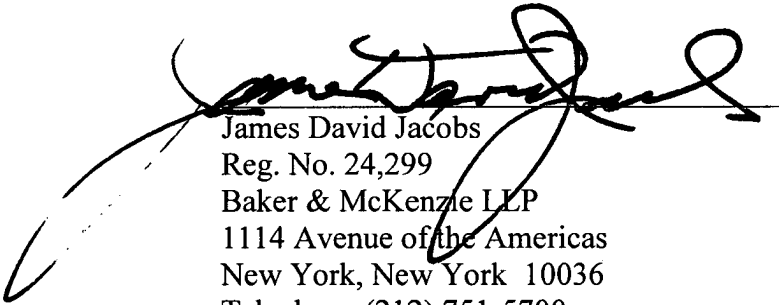
From the above facts, and in accordance with CFR § 1.183, the undersigned attorney respectfully requests that the undersigned attorney's Request for Withdrawal be granted or, in the

alternative, the office action dated August 9, 2005 be withdrawn and reissued, and the undersigned attorney's Request for Withdrawal as Attorney or Agent and Change of Correspondence Address be accepted. As stated in CFR § 1.183, this is an extraordinary situation, through no fault of the undersigned attorney nor the applicant, in which it is reasonable that the rules surrounding the non-acceptance of the Request for Withdrawal as Attorney be suspended. By reissuing the Office Action, the Request to Withdraw will be granted more than 30 days before the time to file a response to the newly reissued Office Action.

The Commissioner for Patents is hereby authorized to charge the fee set forth in § 1.17(f) to Deposit Account No. 02-0393 of Baker & McKenzie LLP.

Dated: February 9, 2006

Respectfully submitted,



James David Jacobs  
Reg. No. 24,299  
Baker & McKenzie LLP  
1114 Avenue of the Americas  
New York, New York 10036  
Telephone (212) 751-5700  
Facsimile (212) 759-9133



**URGENT FAX MESSAGE**

**NAME :** Your ref: 56169539-6  
**FIRM :** Baker and Mackenzie  
**FAX NUMBER :** 00 1 212 759 9133  
**NUMBER OF PAGES :** **6** (NOT INCLUDING THIS SHEET)  
**DATE :** 27.4.05  
**MESSAGE :**

**FROM**

**NAME :** J. N. W. Dodds.  
**FIRM :** ALDERSON DODDS  
**FAX NUMBER :** 00 44 1670 354166

**IN THE EVENT OF ERROR IN TRANSMISSION PLEASE ADVISE BY  
TELEPHONE : 01670 352293**



# ALDERSON DODDS

4/8 STANLEY STREET  
BLYTH  
NORTHUMBERLAND  
NE24 2BU  
DX: 62604 BLYTH

TEL : (01670) 352293  
EMERGENCY : (07659) 818999  
(Quote Pager No. 15177)  
FAX : (01670) 354166

Your ref: 56169539-6

Our ref: S1606/3/JNWD/VN Date : 27 April, 2005

**By Airmail and Fax No 00 1 212 759 9133**

**Baker & McKenzie**  
Attorneys at Law  
805 Third Avenue  
NEW YORK  
New York 10022  
USA

Dear Sirs

**Patent Application entitled**  
**System and method for creating a custom article**

**Filing Date: October 3, 2003**

**Application No: TBA**

**Your Ref No: 56169539-6**

We act on behalf of Sodo Design Limited, who have taken an Assignment of the above-mentioned Patent, a certified copy of which is enclosed.

The vendors advise us that your fees in respect of the above are paid up to date.

We would be obliged if you would forward all your papers in relation to the same to our agent, Edward M Prince, Alston & Bird LLP, 601 Pennsylvania Avenue, NW, North Building, 10<sup>th</sup> Floor, Washington DC 20004-2601.

Yours faithfully

**Alderson Dodds**

INCORPORATING: SIDNEY SON & ALDERSON & JOHN R. PARSONS & SON

PARTNERS: J. N. W. DODDS, LL.B., MRS. S. JOHNSON, B.A., P. W. DUNN, LL.B.,  
G. SHANNON, LL.B., MISS T. J. WAUGH, BA

ASSOCIATES: MISS H. D. ORGAN, BA; R. H. RAMSAY BA, A. SWAN LL.B.,  
MRS J A RODGERS, LL.B, D W SMITH LL.B; MISS E SPENSLEY LL.B.

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A MEMBER OF THE LAW SOCIETY CHILDREN, PERSONAL INJURY & FAMILY LAW PANELS  
REGULATED BY THE LAW SOCIETY



DATED

8th April

2005

**PATENT ASSIGNMENT**

**Between**

**RICKARD SHAH HOLDINGS B.V.**

**and**

**SODO DESIGN LIMITED**

ALDERSON DODDS  
4/8 STANLEY STREET  
BLYTH  
NORTHUMBERLAND  
NE24 2BU  
UNITED KINGDOM

We hereby certify that this is  
a true copy of the original

  
ALDERSON DODDS  
Solicitors, Blyth

THIS ASSIGNMENT is dated the 24 day of April, 2005

## **PARTIES**

- (1) **RICKARD SHAH HOLDINGS B.V.**, a company incorporated under the laws of the Netherlands, having its seat in Amsterdam, the Netherlands and its place of business at Herengracht 548, 1017 CG Amsterdam, the Netherlands (**Assignor**)
- (2) **SODO DESIGN LIMITED** incorporated and registered in England and Wales with Company Number 05320622 whose registered office is at 56 Churchburn Drive, Morpeth, Northumberland NE61 2DE (**Assignee**)

## **BACKGROUND**

- (A) The Assignor is the proprietor of or applicant for the patents listed in the Schedule to this Assignment (**Patent**).
- (B) By an Asset Purchase Agreement dated 8<sup>th</sup> day of April 2005 between the Assignor and the Assignee, the Assignor has agreed to assign the Patent to the Assignee on the terms set out below.

## **AGREED TERMS**

### **1. Assignment**

In consideration of the sum of £1 (receipt of which the Assignor expressly acknowledges), the Assignor hereby assigns to the Assignee with full title guarantee the full and exclusive benefit of the Patent including:

- (a) the right to recover and take all such proceedings as may be necessary for the recovery of damages or otherwise in respect of all infringements of the Patent, whether committed before or after the date of this Assignment.
- (b) the absolute entitlement to any patent granted pursuant to the application comprised in the Patent, for the full term of such patent; and
- (c) the right to apply for, prosecute and obtain patent or similar protection in the UK, United States of America and all other countries of the world for an invention embodied by the application comprised in the Patent, including the right to claim priority from such application.

### **2. Further Assurance**

The Assignor hereby covenants with the Assignee that the Assignor shall, at the expense of the Assignee, execute, sign and do all such instruments, applications, documents, acts and things as may reasonably be required by the Assignee to enable the Assignee or its nominee to enjoy the full benefit of the rights hereby assigned.



**3. Governing Law and Jurisdiction**

This Assignment shall be governed by and interpreted in accordance with the laws of England and the parties hereby submit to the exclusive jurisdiction of the English courts.

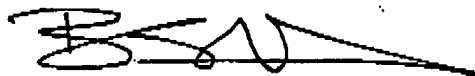
This Assignment has been entered into on the date stated at the beginning of it.

## **SCHEDULE**

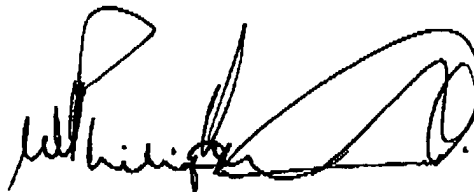
### **Patent Applications**

Patent Application filed at the United States of America Patent and Trademark Office (USPTO) on 3<sup>rd</sup> October 2003 under Serial Number 10/678556. A system and method for creating a custom article and, more particularly, to a system and method for creating custom lasts used to make custom shoes.

SIGNED by BINITH RATILAL SHAH  
For and on behalf of  
RICKARD SHAH HOLDINGSB.V.

A stylized handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

SIGNED by WILLIAM PHILIP RICKARD  
For and on behalf of  
SODO DESIGN LIMITED

A handwritten signature in black ink, featuring a large, prominent 'P' and 'R' followed by a series of loops and a long horizontal stroke.

**Rhoden, Emily R.**

---

**From:** Gasparo, Frank M  
**Sent:** Wednesday, February 08, 2006 2:52 PM  
**To:** Rhoden, Emily R.  
**Subject:** FW: Patent assisgnment  
**Attachments:** ~MAP0000.jpg

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**From:** Binith Shah [mailto:binith@rickardshah.com]  
**Sent:** Tuesday, June 07, 2005 9:17 AM  
**To:** Gasparo, Frank M  
**Cc:** 'Elizabeth Rickard'; 'nigel dodds'  
**Subject:** Patent assisgnment

Dear Frank,  
Attached please find a scanned copy of a letter sent to you today via fedex in reference to our Tradmarks and Patents.

Please let me know if you have any questions.

Best  
Binith

2/8/2006

# RICKARD SHAH HOLDINGS B.V.

June 6, 2005

To: Baker and McKenzie LLP  
Attn: Frank Gasparo  
805 Third Avenue  
New York, NY 10022  
USA

Re: INTERNATIONAL PATENT APPLICATION ENTITLED SYSTEM AND  
METHOD FOR CREATING A CUSTOMER ARTICLE SERIAL NUMBER:  
PCT/IB2004/003510, YOUR REF NUMBER 56169539-9.

Dear Frank,

This is to confirm on behalf of Rickard Shah Holdings BV as Managing Director that all patent and trademarks relating to Rickard Shah Holding BV and its subsidiaries have been assigned to SODO Design Limited based in the UK. In addition, all paperwork in regards to Rickard Shah patents and trademarks should be passed on to representatives of Sodo Design Ltd, which I have confirmed have written to you for the above request.

Thanks you in advance for your immediate cooperation. Please feel free to contact me should you have any questions.

Sincerely,



Binith Shah  
Managing Director- Rickard Shah Holdings B.V.



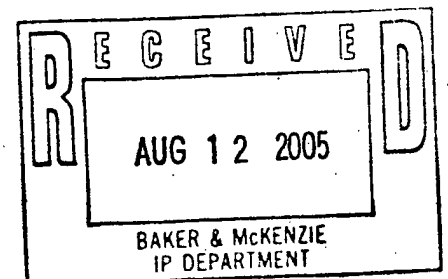
# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,556	10/03/2003	Binith Ratilal Shah	56169539-6	2543
26453	7590	08/09/2005	EXAMINER	
BAKER & MCKENZIE LLP 805 THIRD AVENUE - 29TH FLOOR NEW YORK, NY 10022			MOHANDESI, JILA M	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

**Application No.**

10/678,556

**Applicant(s)**

SHAH ET AL.

**Examiner**

Jila M. Mohandesi

**Art Unit**

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03-05-04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

Art Unit: 3728

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means", **comprising** and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-37 rejected under 35 U.S.C. 102(b) as being clearly anticipated by White et al. (5,339,252).
4. Claims 1-37 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dunham et al. (3,696,456).
5. Claims 1-37 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marshall (6,042,759).



Art Unit: 3728

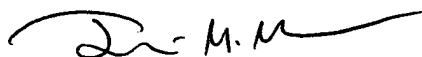
**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are method for developing lasts and shoe analogous to applicant's instant invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M. Mohandesi whose telephone number is (571) 272-4558. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jila M Mohandesi  
Primary Examiner  
Art Unit 3728

JMM  
August 06, 2005

JILA M. MOHANDESI  
PRIMARY EXAMINER

<b>Notice of References Cited</b>	Application/Control No. 10/678,556	Applicant(s)/Patent Under Reexamination SHAH ET AL.	
	Examiner Jila M. Mohandesi	Art Unit 3728	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,473,667	10-2002	Lee, Joe	700/118
	B	US-6,042,759	03-2000	Marshall, Scott	264/40.1
	C	US-5,879,725	03-1999	Potter, Daniel R.	425/403
	D	US-5,339,252	08-1994	White et al.	700/98
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

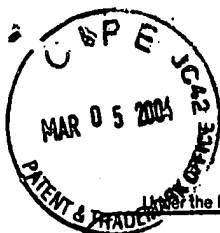
**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2**Complete if Known**

Application Number	10/678,556
Filing Date	October 3, 2003
First Named Inventor	Binith R. Shah
Art Unit	3728
Examiner Name	TBA
Attorney Docket Number	56169539-6

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
[Signature]	1	US- 3,696,456	10/10/1972	Dunahm et al.	
	2	US- 5,195,030	03/16/1993	White	
	3	US- 5,689,446	11/18/1997	Sundman et al.	
	4	US- 5,753,931	05/19/1998	Borchers et al.	
	5	US- 5,790,256	08/04/1998	Brown et al.	
	6	US- 2002/0023306	02/28/2002	Sajedi et al.	
[Signature]	7	US- 2002/0158358	10/31/2002	Franzene	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>4</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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PTO/SB/088 (08-03)

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Substitute for form 1449/PTO

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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number 10/678,556

Filing Date October 3, 2003

First Named Inventor Binith R. Shah

Art Unit 3728

Examiner Name TBA

Attorney Docket Number 56169539-6

Sheet 2 of 2

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
Dr	8	1988-Present DIGITOE INC., "What is a Shoe Last?", 4 Pages, <a href="http://www.digitoe.com/short_stories/what_shoelast.html">http://www.digitoe.com/short_stories/what_shoelast.html</a>	
	9	1988-Present DIGITOE INC., "Shoes for the 21st Century", 5 Pages, <a href="http://www.digitoe.com/digitoe/index.html">http://www.digitoe.com/digitoe/index.html</a>	
	10	1988-Present DIGITOE INC., "DIGITOE FAQs", 4 Pages, <a href="http://www.digitoe.com/digitoes/digitoe_faqs.html">http://www.digitoe.com/digitoes/digitoe_faqs.html</a>	
	11	1981-Present. SHOESCHOOL.COM, "ShoeSchool.com", 4 Pages, <a href="http://www.digitoe.com/shoeschool/lasts/shoe_last_what.html">http://www.digitoe.com/shoeschool/lasts/shoe_last_what.html</a>	
Dr	12	January 1999, DIGITOE Inc., "DigiLast-Computerized Service Bureau", 4 Pages	

Examiner Signature		Date Considered	08/06/05
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**COPY**

August 24, 2005

Via Airmail

Binith R. Shah  
RICKARD SHAH  
24 Old Bond Street, 3rd Floor  
London W1S 4AP  
ENGLAND

RE: U.S. Patent Application entitled  
**SYSTEM AND METHOD FOR CREATING A CUSTOM ARTICLE**  
Serial No.: 10/678,556  
Filing Date: October 3, 2003  
Our Ref. No.: 56169539-6

Dear Binith,

We have received an Office Action from the U.S. Patent and Trademark Office in connection with the above-identified patent application. A copy of the Office Action is enclosed for your review and records.

Please have the inventors review the Office Action and provide us with their comments by **October 9, 2005**. A response to the Office Action is due **November 9, 2005**.

If you have any questions, please do not hesitate to contact me at (212) 891-3737 or via e-mail at [michaela.f.carpio@bakernet.com](mailto:michaela.f.carpio@bakernet.com).

Sincerely,

Michaela F. Carpio  
Paralegal

MFC/rmf  
Enclosure

NYCDMS/445559.1

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Application Number

10/678,556

Filing Date

October 3, 2003

First Named Inventor

Binith Ratilal Shah

Art Unit

3728

Examiner Name

TBA

Attorney Docket Number

56169539-6


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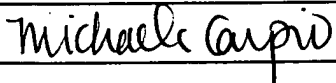
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Application Number	10/678,556
Filing Date	October 3, 2003
First Named Inventor	Binith Ratilal Shah
Art Unit	3728
Examiner Name	TBA
Attorney Docket Number	56169539-6

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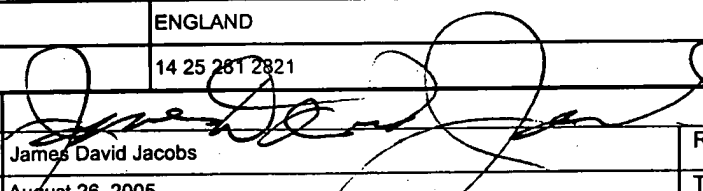
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<b>Re</b>	Application no.: 10/678,556		
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Please see the attached.

**Carpio, Michaela F.**

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**From:** Carpio, Michaela F.  
**Sent:** Friday, August 26, 2005 5:39 PM  
**To:** 'biniith@rickardshah.com'  
**Cc:** Jacobs, James D.; Serle, Alayne F.; Gasparo, Frank M  
**Subject:** U.S. Patent Appl. No.: 10/678,556; PCT Patent Appl. No.: PCT/182004/003510  
**Attachments:** JDJletter.pdf

Please see the attached.

Very truly yours,

**Baker & McKenzie LLP**

Michaela Carpio  
Paralegal

Michaela Carpio  
Paralegal, Intellectual Property  
Baker & McKenzie LLP  
805 Third Avenue  
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USA  
Direct Tel: +1 212-891-3737  
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August 26, 2005

**VIA FEDERAL EXPRESS & E-MAIL**

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ENGLAND

RE: Rickard Shah  
U.S. Pat. Appl. No.: 10/678,556  
PCT Pat. Appl. No.: PCT/182004/003510  
Our Ref.. No.: 56169539-6

Tel: +1 212 891 3951  
Fax: +1 212 310 1651  
James.D.Jacobs@bakernet.com

Dear Binith:

We filed today with the United States Patent and Trademark Office a request to withdraw as attorneys of record for the above-identified patent application. We instructed the Patent Office to direct all future correspondence to your following U.S. address which was indicated on your Declaration: 9033 NE 22<sup>nd</sup> Place, Clyde Hill, WA 98004.

The corresponding PCT patent application is being handled by the following foreign associate: Breese, Derambure, Majerowicz, Societe de conseils en Propriete Industrielle, 38 avenue de l'Opera 75002 PARIS, Tel 33 (0) 147036777. We have instructed this associate to deal directly with you and we are therefore no longer assuming any role in this PCT matter. Please direct any questions or requests that you may have to the foreign associate.

Sincerely,

**Baker & McKenzie LLP**  
James David Jacobs

cc: Alayne Serle  
Frank M. Gasparo

From: Origin ID: JRBA (212) 891-3813  
 Amelia Finker  
 BAKER & MCKENZIE  
 805 THIRD AVENUE

NEW YORK, NY 10022  
 UNITED STATES



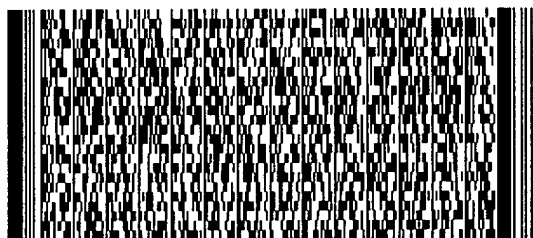
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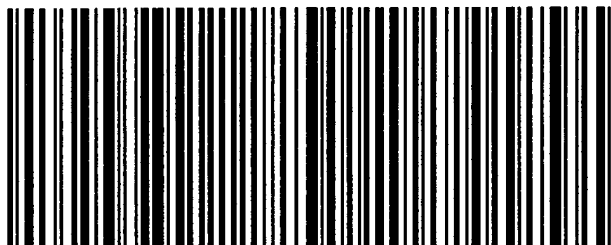
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The Warsaw Convention, as amended, will then govern and in most cases limit FedEx's liability for loss, delay of, or damage to your shipment. The Warsaw Convention, as amended, limits FedEx's liability. For example in the U.S. liability is limited to \$9.07 per pound (20\$ per kilogram), unless a higher value for carriage is declared as described below and you pay any applicable supplementary charges. The interpretation and operation of the Warsaw Convention's liability limits may vary in each country. There are no specific stopping places which are agreed to and FedEx reserves the right to route the shipment in any way FedEx deems appropriate. **ROAD TRANSPORT NOTICE.** Shipments transported solely by road to or from a country which is a party to the Warsaw Convention or the Contract for the International Carriage of Goods by Road (the "CMR") are subject to the terms and conditions of the CMR, notwithstanding any other provision of this Air Waybill to the contrary. For those shipments transported solely by road, if a conflict arises between the provisions of the CMR and this Air Waybill, the terms of the CMR shall prevail. **LIMITATION OF LIABILITY.** If not governed by the Warsaw Convention, the CMR, or other international treaties, laws, or government regulations, orders, or requirements, FedEx's maximum liability for damage, loss, delay, shortage, misdelivery, nondelivery, misinformation or failure to provide information in connection with your shipment is limited by this Agreement and as set out in the terms and conditions of the contract of carriage. Please refer to the contract of carriage set forth in the applicable FedEx Service Guide or its equivalent to determine the contractual limitation. FedEx does not provide cargo liability or all-risk insurance, but you may add an additional charge for each additional U.S. \$100 (or equivalent local currency for the country of origin) of declared value for carriage. If a higher value for carriage is declared and the additional charge is paid, FedEx's maximum liability will be the lesser of the declared value for carriage or your actual damages. **LIABILITIES NOT ASSUMED.** IN ANY EVENT, FEDEX WON'T BE LIABLE FOR ANY DAMAGES, WHETHER DIRECT, INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL IN EXCESS OF THE DECLARED VALUE FOR CARRIAGE (INCLUDING BUT NOT LIMITED TO LOSS OF INCOME OR PROFITS) OR THE ACTUAL VALUE OF THE SHIPMENT, IF LOWER, WHETHER OR NOT FEDEX HAD ANY KNOWLEDGE THAT SUCH DAMAGES MIGHT BE INCURRED. FedEx won't be liable for your acts or omissions, including but not limited to incorrect declaration of cargo, improper or insufficient packaging, securing, marking or addressing of the shipment, or for the acts or omissions of the recipient or anyone else with an interest in the shipment or violations by any party of the terms of this agreement. FedEx won't be liable for damage, loss, delay, shortage, misdelivery, nondelivery, misinformation or failure to provide information in connection with shipments of cash, currency or other prohibited items or in instances beyond our control, such as acts of God, perils of the air, weather conditions, mechanical delays, acts of public enemies, war, strike civil commotion, or acts or omissions of public authorities (including customs and health officials) with actual or apparent authority. **NO WARRANTY.** We make no warranties, express or implied. **CLAIMS FOR LOSS, DAMAGE OR DELAY.** ALL CLAIMS MUST BE MADE IN WRITING AND WITHIN STRICT TIME LIMITS. SEE OUR TARIFF, APPLICABLE FEDEX SERVICE GUIDE, OR STANDARD CONDITIONS OF CARRIAGE FOR DETAILS. The Warsaw Convention provides specific written claims procedures for damage, delay or non-delivery of your shipment. Moreover, the interpretation and operation of the Warsaw Convention's claims provisions may vary in each country. Refer to the Convention to determine the claims period for your shipment. The right to damages against us shall be extinguished unless an action is brought within two years, as set forth in the Convention. FedEx is not obligated to act on any claim until all transportation charges have been paid. The claim amount may not be deducted from the transportation charges. If the recipient accepts the shipment without noting any damage on the delivery record, FedEx will assume the shipment was delivered in good condition. In order for us to consider a claim for damage, the contents, original shipping carton and packing must be made available to us for inspection. **MANDATORY LAW.** Insofar as any provision contained or referred to in this Air Waybill may be contrary to any applicable international treaties, laws, government regulations, orders or requirements such provisions shall remain in effect as a part of our agreement to the extent that it is not overridden. The invalidity or unenforceability of any provisions shall not affect any other part of this Air Waybill. Unless otherwise indicated, **FEDERAL EXPRESS CORPORATION**, 2005 Corporate Avenue, Memphis, TN 38132, USA, is the first carrier of this shipment. Email address located at [www.fedex.com](http://www.fedex.com).



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OFFICE OF PETITIONS

In re Application of  
Binith Ratilal Shah et al  
Application No. 10/678,556  
Filed: October 3, 2003  
Attorney Docket No. 56169539-6

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2005.

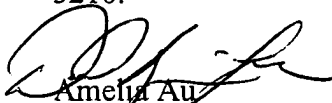
The request is **NOT APPROVED**.

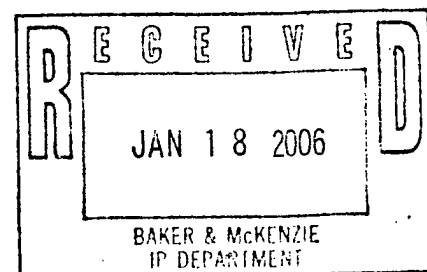
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because there remain less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on August 9, 2005.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

  
Amelia Au  
Petitions Examiner  
Office of Petitions



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